



## Netherlands, The

### Country Reports on Human Rights Practices - [2002](#)

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The Netherlands is a constitutional monarchy with a parliamentary legislative system. The Prime Minister and a Cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. The bicameral Parliament is elected through free and fair elections. The judiciary is independent.

Regional police forces were primarily responsible for maintaining internal security. The police, the Royal Constabulary, and investigative organizations concerned with internal and external security generally were under effective civilian authority.

The market-based economy was export oriented and featured a mixture of industry, services, and agriculture. The country had a total population of approximately 16.2 million. Living standards and the level of social benefits were high. Unemployment was approximately 3 percent, with an additional 10 percent of the workforce on full or partial disability. Long-term unemployment, particularly among ethnic minorities, remained a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Violence and discrimination against women existed, as did child abuse. Discrimination and some violence against minorities continued to be a concern. Trafficking in women and girls for prostitution was a problem. The Government took steps to deal with all of these problems. The Netherlands was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Aruba and the Netherlands Antilles are two autonomous regions of the kingdom; they also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally was the same as in the Netherlands; however, the islands' prison conditions remained substandard.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In May police arrested an animal rights activist for the killing of Populist politician Pim Fortuyn, who was shot shortly before the May elections (see Section 2.c.)

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

There were sporadic incidents of rightwing and racist violence against religious and ethnic minorities (see Sections 2.c. and 5).

Prison conditions in the country generally met international standards. Male and female prisoners were held separately. In addition, juvenile prisoners were held separately from adults and pretrial detainees were held separately from convicted criminals. The Government permitted visits by independent human rights monitors, but no such visits were known to have taken place during the year.

In 2001 the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) urged the Governments of the Netherlands Antilles and Aruba to improve conditions at Curacao's Koraal Specht (now Bon Futuro) prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, violence, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. In response to CPT criticism the Justice Minister set up the Kibbelaar Committee early in 2001. In September 2001, it found that prison guards on Curacao and St. Maarten routinely smuggled drugs and firearms into the prison and allowed breakouts and sexual assaults to occur. The Justice Minister subsequently suspended 175 of the 202 guards, and put the regular police in charge of guarding the prisons.

The Government repeatedly has provided financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum-security facility, and other improvements at Bon Futuro. The Government also sent experts on prison organization and the training of guards. In 2001, the Government of the Netherlands Antilles renovated the entire prison complex and changed the prison's name from Koraal Specht to Bon Futuro. Construction of a new wing relieved overcrowding. At the request of the Antillean Government and with funds from the Dutch Government, a private foreign company supplied expert personnel who reorganized prison management and trained mid-level staff for a period of a year. During the year, the St. Maarten police cells were repainted and received new fixtures; however, reports continued of unsanitary conditions and lack of bedding.

The Governments of the Netherlands Antilles and Aruba allowed access by independent human rights observers to prisons; however, no such visits occurred during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

Criminal investigations were conducted by police officers, who acted under the authority of the public prosecutor. A prosecutor or senior police officer must order arrests. Police officers could question suspects for a maximum of 12 hours and could detain a suspect for up to 6 days upon an order of the public prosecutor. If the prosecutor believed an investigation was necessary, he was required to request a preliminary judicial inquiry from the investigative judge, who then assumed responsibility over the investigation. Defense attorneys had the right to be present during any questioning.

The law prohibits forced exile, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handled both criminal and civil cases. The Supreme Court acted as the highest appellate court and ensured the uniform interpretation of the law.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. In 2001 both the judiciary and the public prosecutor introduced procedures whereby complaints could be filed for perceived impolite or rude treatment by either a judge or prosecutor. The law instructs that defendants be fully informed at every stage of criminal proceedings. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low-income persons), and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

There were dozens of national and local newspapers and magazines, 3 public and 6 commercial television stations, and 5 public and 12 commercial radio stations. The media was independent. Access to the Internet was unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government provided subsidies to religious organizations that maintained educational facilities.

In past years, the courts and the Equal Opportunity Committee addressed repeatedly the issue of whether Muslim women and girls could wear headscarves. The prevailing decisions have held that the wearing of headscarves may be banned only on narrow grounds, such as a concern for safety or inconsistency with an official government uniform. Muslims comprised approximately 5 percent of the population.

The Center for Information and Documentation on Israel (CIDI) reported sporadic anti-Semitic incidents during the year. Most such instances involved physical and verbal intimidation of Jews perpetrated primarily by Arab youths. For example, in March, a boy wearing a yarmulke was beaten by Moroccan youth in front of the Portuguese-Israeli synagogue in Amsterdam. There were no serious attacks on synagogues or Jewish shops during the year.

In late 2001, there was a sharp increase in anti-Muslim incidents, including vandalism, arson, the defacing of mosques or Islamic institutions, harassment, and verbal abuse in public places, directed particularly at women wearing headscarves. During the year, there were few incidents of arson or defacing of mosques and Islamic institutions, but Muslims frequently were subjected to verbal or physical intimidation, as the overall public attitude towards Muslims became less tolerant.

Populist politician Pim Fortuyn, who was killed shortly before the May general elections, received broad support for his characterization of Islam as a backward culture that was intolerant toward women and homosexuals and that allowed practices from the Middle Ages. The consequent backlash against the Muslim community worsened with growing resentment of Moroccan youth gangs held responsible for a major rise in crime.

In other areas, antidiscrimination boards rebuked employers publicly for failing to allow non-Christians to take leave from work on their religious holidays and for objecting to Sikhs wearing turbans, to Muslim women wearing headscarves, or to the observance of food requirements on religious grounds.

The Discrimination in Internet Registration Center registered 691 complaints in 2001, including 197 complaints about anti-Semitic statements and 71 about anti-Islamic statements.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees, and other humanitarian organizations in assisting refugees. The Government did not provide first asylum; however, asylum seekers were permitted to apply for residence status, except those (approximately 40 percent) who obviously came from a so-called safe country of origin or stayed for some time in a safe third country. In 2000, the last year for which statistics were available, the Government turned down 83 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay in the country temporarily on humanitarian grounds or for so long as their country of origin was considered unsafe.

The Government's asylum policy was designed to protect genuine refugees while excluding economic migrants and illegal immigrants. In 2001 the Aliens Act entered into force with the aim of discouraging economic migrants at all stages of the asylum process through a stricter intake, the accelerated processing of asylum requests, limited appeal procedures, and the denial of social assistance to asylum seekers who were rejected. These measures resulted in a sharp decrease in asylum seekers from approximately 43,000 in 2000 to approximately 33,000 in 2001 and fewer than 20,000 during the year.

The Justice Ministry estimated that half of all asylum seekers came to the country via alien smuggling organizations.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

Parliamentary elections were held in May. There were no restrictions in law or in practice that hindered the participation of women and minorities in government and politics. Approximately one-third of the 150 members of the second chamber of Parliament were female, as was 1 of 15 cabinet ministers. The Government pursued an active policy to promote the participation of women in politics and public administration. Although women were a minority, they also held positions in the Parliaments and Cabinets of the Netherlands Antilles and Aruba.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

The Government has a long tradition of hosting international legal tribunals and facilitated the trial, conducted under Scottish law, of two Libyans accused of the 1988 bombing of Pan American Flight 103. The Government also hosted the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, and the headquarters of the International Criminal Tribunal for Rwanda.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of any of these factors or political preference as well as sexual orientation. Under the Equal Treatment Act, complainants may sue alleged offenders under civil law.

Women

Societal violence against women was a problem. A 2001 report by the Social Affairs Ministry showed that each

year approximately 200,000 women in the country, particularly ethnic minorities, were victims of violence by their former or present spouses or partners. Each year approximately 50,000 women suffer from serious violence, defined as battering, physical and mental abuse, manslaughter, and sexual violence, and 60 to 80 die of domestic violence. Marital rape is a crime and carries the same penalty as nonmarital rape, a maximum of 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery. Fewer than 10 percent of victims of domestic violence reported to the police; most cases were not reported out of fear, shame, or guilt. Each year approximately 800 men were prosecuted for battering their partners. The Government estimated the costs to society caused by violence against women at approximately \$148 million (150 million euros) per year.

The Government supported programs to reduce and prevent violence against women. There was a network of 48 government-subsidized shelters offering the services of social workers and psychologists to battered women. In addition, battered women who left their domestic partners became eligible for social benefits, which included an adequate basic living subsidy as well as an allowance for dependent children. In addition to helping victims of sexual abuse, the Government pursued an active prevention campaign through media commercials and awareness training of educators. Nongovernmental organizations (NGOs) also advised and assisted women who were victims of sexual assault.

Prostitution is legal if the person is over 17 years of age and engages in the work voluntarily; however, organizing the prostitution of another person is a crime even if done with the consent of the prostitute. It is illegal to force a person into prostitution (see Section 6.f.). All brothels required licenses issued by local governments with strict conditions to be observed by brothel owners. The Government believed that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution would be less susceptible to criminal organizations trafficking in women and children. The licensing system in principle also makes prostitution more transparent and easier for the police to monitor; however, trafficking in women for the purpose of prostitution remained a problem, despite Government efforts to combat it (see Section 6.f.). Between 20,000 and 30,000 persons were employed in the sex trade, and an estimated half of all prostitutes originated in non-European Union (EU) countries and resided in the country illegally.

The law requires employers to take measures to protect workers from sexual harassment; however, research showed that approximately 245,000 women, or 6.6 percent of the female working population, were intimidated sexually in the work place each year. The Government funded an ongoing publicity campaign to increase awareness of the problem. As the largest employer, the Government has taken measures to counter harassment among civil servants, including in the police force.

Women increasingly entered the job market, but traditional cultural factors and an inadequate number of day care facilities tended to discourage women--especially women with young children--from working; one-third of women permanently stopped working after the birth of their first child. In 2001 approximately 65 percent of women between the ages of 15 and 65 held paying jobs and about 58 percent of these worked part time. The social welfare and national health systems provided considerable assistance to working women with families. Women were eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows both parents to take unpaid full time leave for 3 months and to extend that leave for more than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also were entitled to parental leave.

Nevertheless women often were underemployed, had less chance of promotion and held lower level positions than men, primarily because of their part-time work status. According to the Ministry of Social Affairs and Employment, women working in the private sector on average earned 23 percent less than men, although when adjusted for level of experience and expertise required for the jobs, this differential was reduced to 7 percent.

The Government provided affirmative action programs for women. Collective labor agreements usually included one or more provisions to strengthen the position of women. The law mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursued complaints of discrimination in these areas as well as allegations of pay discrimination.

#### Children

The Government worked to ensure the well being of children through numerous well-funded health, education, and public information programs. Compulsory education ends at age 16, or after at least 12 years of education. Education was free for children between 4 and 16, although schools could ask for a voluntary contribution from parents. Vocational education was also free, except for the cost of books and materials. Approximately 10 percent

of students left secondary school before attaining a certificate. Government-licensed Islamic schools were obliged to follow the same curriculum requirements as other schools.

According to the Child Abuse Reporting and Advisory Center, an estimated 40,000 to 80,000 children were victims of child abuse each year, although only approximately 20,000 formal reports of child abuse were registered. As a result of abuse, 40 to 50 children die each year. In June the Dutch Children's Rights Collective, which included organizations such as UNICEF Nederland, concluded in a report that the Government was violating the U.N. Convention on Children's Rights, particularly criticizing the long waiting list for assistance to abused children. There were approximately 7,000 abused children on the waiting list at year's end. The Council for the Protection of Children, which operated through the Ministry of Justice, enforced child support orders, investigated cases of child abuse, and recommended remedies ranging from counseling to withdrawal of parental rights. The Government also maintained a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis.

The age of consent is 16. Sexual intercourse with minors under age 12 is a criminal offense. Amendments to the Public Morality Act, enacted in July, allow for the prosecution of sexual abusers of children between the ages of 12 and 16 without the earlier requirement that interested parties file a complaint. The law imposes penalties on prostitution activities involving minors; maximum penalties vary between 6 years' imprisonment for sex (in the context of prostitution) with minors under age 18, 8 years for sex with minors under 16 years of age, and 10 for sex with minors less than 12 years. Under the law, citizens and persons having a permanent residence in the country who abused minor children in foreign countries could be tried and convicted even if the offense is not a crime in the country where it took place. Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The maximum penalty for the distribution of child pornography is 4 years' imprisonment and 6 years' in the event of financial gain. The law allows for provisional arrest, house searches, and criminal financial investigations. The possession of child pornography was punishable by law, but exemptions were made for scientific or educational use. However, these exemptions caused some problems; for example, in the past owners claimed that child pornographic collections were of historical value. In July the Public Morality Act raised the age at which minors were allowed to perform in pornographic films from 16 to 18, which corresponded to the age requirement in the International Labor Organization (ILO) Convention against the (sexual) exploitation of children, as well as to the national minimum age for working in the prostitution sector. The Act also criminalizes the electronic manipulation of images of children for sexual purposes.

The Government continued its campaign against child pornography on the Internet.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, according to the Dutch Council for Chronic Patients and the Handicapped, public buildings and public transport were often not easily accessible. Approximately 10 percent of the work force was on full or partial disability. The Equal Treatment Act of Handicapped People and the Chronically Ill, adopted in September, requires the equal treatment of persons with disabilities and those who suffer from chronic diseases. It was scheduled to take effect in January 2003. The law bans discrimination of persons with disabilities in employment, education, and public transport.

#### National/Racial/Ethnic Minorities

The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers. Of a total population of 16.2 million, approximately 3 million were of foreign origin, including 1.6 million who belong to an ethnic minority group, principally Turkish, Moroccan, Surinamese and Antillean. Government policies that were broad in scope and intent promoted the integration of racial and ethnic minorities, and in general citizens supported integration and were averse to discrimination and unequal treatment; however, integration remained a problem, and immigrant groups faced some discrimination. Various NGOs, some of which were funded by the Government, monitored violations.

Members of immigrant groups face some discrimination in housing and employment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average. These actions have significantly reduced the rate of unemployment among ethnic minorities from 16 percent in 1998 to 9 percent in 2001; however, the minority unemployment rate was 3 times that of the ethnically Dutch workforce. The Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities; it requires employers with a work force of over 35 persons to register their non-

Dutch employees, and employers were to strive for a composition of their work force that reflects the regional working population. The Labor Inspectorate oversees implementation of the law.

In 2000 several ministries, government job centers, and the Dutch Small Business Association pledged to find jobs for some 20,000 persons from ethnic minorities before May 2001. Since then, the program twice was extended; and an estimated 62,000 new jobs have been created.

The Government pursued an active campaign to increase public awareness of racism and discrimination. Civil and criminal courts, as well as the Equal Opportunities Committee, the National Ombudsman, the Commercial Code Council, the Council, addressed complaints about racism and discrimination for Journalism, the European Court of Justice, and the European Human Rights Court. The majority of criminal cases concerned racist defamation. Civil lawsuits often concern discrimination in the supply of services, such as supplemental conditions for non-ethnic Dutch to obtain a mobile phone or to gain access to clubs. The Equal Opportunities Committee primarily addresses incidents of discrimination on the labor market, including discrimination on the work floor, unequal pay, termination of labor contracts and preferential treatment of non-ethnic employees.

In 2001 the Council of Chiefs of Police has adopted a series of measures to improve police awareness of incidents of discrimination. These measures included the appointment of a contact person for discrimination in each of the 25 regional police forces, the establishment of a National Bureau of Discrimination Cases (which acts as a clearing house and database for police forces nation-wide) and the establishment of a national registration system of cases of racism and discrimination to provide a comprehensive database of such cases.

The Prosecutor's Office also has established a National Expertise Center on Discrimination that collects information, maintains a database on cases, and provides courses to prosecutors handling cases of discrimination.

The government-sponsored National Association of Anti-Discrimination Bureaus, established in 1999 to combat racial discrimination maintains information collected by local antidiscrimination bureaus. It registered approximately 3,900 complaints in 2001, the last year for which figures were available.

With the proliferation of Internet web sites, the dissemination of racial and discriminatory material also has increased. The privately run Discrimination on the Internet Registration Center received 691 complaints in 2001, compared with 550 in 2000. Of these, 370 complaints qualified as discrimination in the sense of the law. Most complaints concerned racist statements (507); 197 were of an anti-Semitic, and 71 of an anti-Islamic nature. For 360 cases, the center requested that the statements be removed from Internet, which was done in 312 cases. In 12 cases, the Internet provider issued a warning to the customer at the Center's request. In 9 cases, the Internet provider blocked the customer accounts. In 2001 11 cases were passed on to the prosecutor's office; a few of these cases eventually resulted in convictions. Over 70 percent of such statements were removed voluntarily at the center's request. There have been only two convictions in the past few years for offenses committed that involved the Internet.

## Section 6 Worker Rights

### a. The Right of Association

Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right. Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Unions were free of control by the Government and political parties. Union members could and did participate in political activities. Approximately 28 percent of the work force was unionized; however, union-negotiated collective bargaining agreements usually were extended to cover approximately three-quarters of the work force. The white-collar unions' membership was the fastest growing. There were three trade union federations. The largest was the FNV Trade Union Federation (FNV), with approximately 1.23 million members, followed by the Christian Trade Union Federation (CNV), with approximately 354,000 members, and the MHP Trade Union Federation for Staff and Managerial Personnel, with approximately 200,000 members. Unions were free of government and political party control.

Antiunion discrimination is prohibited, and there were no reports that it occurred. Union federations and employers' organizations were represented, along with independent experts, on the Social and Economic Council. The Council was the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

Unions were free to affiliate with national and international trade union federations. The three union federations

were active internationally, without restriction.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and specific laws provide for the right to collective bargaining; workers exercised this right. Collective bargaining agreements were negotiated in the framework of the so-called Social Partnership developed between trade unions and private employers.

Representatives of the main union federations, employers' organizations, and the Government met each year to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions led to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiated sectoral agreements, which the Government usually extended to all companies in the sector. Collective labor agreements usually had one or more provisions to strengthen the position of women (see Section 5).

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations were very harmonious, and strikes were infrequent. In 2001 approximately 45 out of 1,000 labor days were lost, mostly over union demands for higher pay and a 36-hour workweek. By law retribution against striking workers is prohibited, and the Government generally respects this prohibition in practice.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well being. The tripartite Labor Commission, which monitored hiring practices and conducts inspections, enforced these laws effectively.

Holiday work and after school jobs are subject to very strict rules set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. The Social Ministry's Labor Inspection Office oversaw observance of the rules. Although child labor is banned, an increasing number of children worked for pay during holidays. The parents of such children were to be reported officially by labor inspectors, and the Public Prosecutor could prosecute the parents for violating the ban on child labor. In 2001 labor inspections showed that more than half of companies violated the regulations applying to holiday work, including by employing children under the age of 13. In February the Ministry of Social Affairs, in cooperation with the ILO and the International Association of Labor Inspection, organized an international child labor conference.

e. Acceptable Conditions of Work

The minimum wage for adults is established by law and can be adjusted every 6 months to reflect changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage was approximately \$1,194 (1,206 euros) per month. For workers earning the minimum wage, employers paid \$2,400 per year (2,412 euros) in premiums for social security benefits, which included medical insurance. The legislated minimum wage and social benefits available to minimum wage earners provided an adequate standard of living for a worker and family. Only 3 percent of workers earned the minimum wage because collective bargaining agreements, which normally were extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and decrease employers' social payments in order to lower the cost of hiring new workers and create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young persons under the age of 23—one of the groups with the highest rate of unemployment—and was intended to provide incentives for their employment. This wage ranged from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age.



Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs was 37.5 hours. Anyone working more than 4.5 hours per day was entitled to a 30-minute break. This workweek was the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. The law prohibits employers from treating part-time workers differently from those in full-time jobs.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, were monitored actively and enforced effectively by the tripartite Labor Commission. The Ministry of Labor and Social Affairs also monitored standards through its Labor Inspectorate. Workers could remove themselves from dangerous work conditions without jeopardizing their continued employment.

#### f. Trafficking in Persons

The law specifically criminalizes alien smuggling and trafficking in persons; however, trafficking was a problem.

The maximum sentence for trafficking in persons is 6 years' imprisonment. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien smuggling is 8 years. The 2000 Prostitution Law, which prohibits the illegal employment of prostitutes in the country, allowed the Government to intensify its fight against criminal organizations trafficking in women and children (see Section 5).

The Government actively investigated and prosecuted traffickers. In 2001 authorities prosecuted 86 trafficking cases of which 75 resulted in convictions.

The Government actively combated trafficking in persons. The Ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and Health, and Social Affairs were involved, and a number of local police forces established special units to deal with trafficking. Since 2000 the National Rapporteur on Trafficking in Persons, an independent, publicly funded agency, has reported annually to the Government on the nature, extent, and mechanisms of trafficking, as well as on the effects of national policies. Its first report in May included a number of recommendations to the Government: An expansion of the national definition of trafficking in persons to include social-economic exploitation in sectors other than prostitution; a more active fight against (organized) traffickers; and more attention to victims. The Government also cooperated closely with other government on trafficking, and EUROPOL, established in The Hague, provided analytical support and administrative expertise to EU member-state law enforcement agencies on trafficking matters. The Justice Ministry also cofinanced the La Strada program, aimed at preventing trafficking in women in Central and East European countries.

Women and girls were trafficked into the country from countries around the world, including Nigeria, Thailand, the Philippines, China, and countries in South America and Central and Eastern Europe. The country was also a transit country. Although there were no reliable statistics, NGOs and the police estimated the number of women and girls trafficked for the purpose of prostitution ranged from 1,000 to 3,600 women each year. The National Criminal Investigation and Information Service (NRI) believed that one out of five of the approximately 17,500 prostitutes working in the country was a trafficking victim.

Internal trafficking was a problem. According to a report published by the NRI in March, approximately 25 percent of girls forced to work as prostitutes were citizens, mostly of Moroccan, Surinamese, or Netherlands Antillean origin. They were mostly drug-dependent, and were easily recruited in schools and discos by youthful procurers, commonly known as loverboys. These loverboys were primarily young Moroccans or Turks living in the country who enticed young girls into prostitution. The girls are later sold to other traffickers, who exploited them in other parts of the country. Local governments have initiated a school campaign to warn girls of the danger of loverboys.

The Immigration and Naturalization Service (IND) reported the disappearance of youthful asylum seekers (AMA's), particularly Nigerian and Chinese girls, from refugee centers who were later found in the illegal prostitution business. The Government has taken measures to combat this problem through better registration of asylum seekers and by placing young female asylum seekers in special shelters.

African women, in particular those from Nigeria, made up a sizeable portion of foreign women working illegally as prostitutes. According to the authorities, the most widely used method for trafficking African women was the fraudulent use of special asylum procedures for minors, who were virtually ensured entry. Most women trafficked from Africa claimed to be under the age of 18, although not all were. Once at the asylum center, they remained for a few days and then disappeared, only to turn up later as prostitutes in the country or elsewhere in Europe. Most of these women were under extreme pressure to work as prostitutes.

A 2000 study of prostitutes from Central and Eastern Europe indicated that five out of six women liberated from trafficking organizations in the country knew that they were to be employed in the sex industry when they accepted the offer of their recruiters. However, upon their arrival, they often were treated as slaves, physically abused, intimidated, threatened, and physically confined by their captors.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations were completed. Victims were allowed 3 months to consider pressing charges, and victims who did so were allowed to stay in the country until the judicial process was completed. During this period, victims received legal, financial, and psychological assistance. In special circumstances, residence permits were granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries were eligible for temporary financial assistance.

The Government subsidized NGOs working with trafficking victims, including the Dutch Foundation Against Trafficking in Women, which was an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims of trafficking.